

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2001-411-E - ORDER NO. 2002-120

APRIL 1, 2002

IN RE: Application of Greenville County Power,)	ORDER DENYING
LLC for a Certificate of Environmental)	APPLICATION FOR A
Compatibility and Public Convenience and)	CERTIFICATE OF
Necessity to Construct and Operate a)	ENVIRONMENTAL
Generating Plant for the Production of)	COMPATIBILITY AND
Electric Power and Energy near Fork Shoals)	PUBLIC CONVENIENCE
in Greenville County, SC.)	AND NECESSITY

INTRODUCTION

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Application of Greenville County Power, L.L.C. (Greenville County Power or the Company) for a Certificate of Environmental Compatibility and Public Convenience and Necessity to construct and operate a generating plant for the production of electric power and energy near Fork Shoals in Greenville County, South Carolina. Because of the reasoning stated below, we deny the Application, without prejudice.

Prior to the submission of its Application, Greenville County Power published notice of its intent to apply for a Certificate under S.C. Code Ann. Sections 58-33-10 et seq. (1976) (Supp. 2001) (the Siting Act), as the provisions of Section 58-33-120(3) require. In addition, the Application included certification that Greenville County Power had served a copy of the Application on those governmental officials and such other persons as Section 58-33-120(2) of the Siting Act requires.

Upon receipt of Greenville County Power's Application, the Commission's Executive Director required the Company to publish a prepared Notice of Filing which described the nature of the Application and advised all interested parties of the manner in which they might intervene or otherwise participate in this proceeding. Greenville County Power submitted an affidavit which demonstrated compliance with the Executive Director's instructions. Petitions to Intervene were received from the Consumer Advocate for the State of South Carolina (the Consumer Advocate), South Carolina Electric & Gas Company (SCE&G), John S. Crabtree, Timothy Tedrow, Thomas Judd, Lee Judd, George Campbell, Mary Campbell, Mike Crouch, and Leona Crouch. Statutory parties in siting matters include the South Carolina Department of Health and Environmental Control (DHEC), the Department of Natural Resources, and the Department of Parks, Recreation and Tourism, as per S.C. Code Ann. Section 58-33-140 (Supp. 2001). Only DHEC of the statutory parties participated in the case at bar.

A public hearing was held in Simpsonville on December 12, 2001, wherein members of the public were allowed to give their opinions and views on the Company's proposal. Beginning on December 17, 2001, the Commission conducted an evidentiary hearing in accordance with Section 58-33-130 of the Siting Act and with the Commission's Rules of Practice and Procedure. Greenville County Power was represented by Elizabeth B. Partlow, Esquire, L. Grey Geddie, Jr., Esquire, Eric Schweitzer, Esquire, and Phillip A. Kilgore, Esquire. The Consumer Advocate was represented by Charles Knight, Esquire. South Carolina Electric & Gas Company was represented by Francis P. Mood, Esquire and B. Craig Collins, Esquire. John S. Crabtree,

Timothy Tedrow, Thomas Judd, Lee Judd, George Campbell, Mary Campbell, Mike Crouch, and Leona Crouch appeared pro se. DHEC was represented by Samuel L. Finklea, Esquire. The Commission Staff (the Staff) was represented by F. David Butler, General Counsel, and Adelaide D. Kline, Staff Counsel.

Greenville County Power presented the testimony of Chip Olsen (Direct and Rebuttal), Robert L. Davis, Ron J. Kiecana (Direct and Rebuttal), C. Richard Neff, P.E., George V. Fletcher, P.E., Ray T. Orvin, Jr., and Thomas W. Devine (Rebuttal only). Lee Judd presented direct testimony. George Campbell and Mary Campbell presented the subpoenaed testimony of David Hargett. DHEC presented the testimony of Kevin Clark and Marion Sadler. The Commission Staff presented the subpoenaed testimony of Larry Turner.

In addition to the testimony of these witnesses and the presentation of exhibits, the record of this proceeding includes the Company's Application, the various notices, and pleadings. Upon full review of the evidence in this proceeding, the Commission herein denies the relief which the Company seeks. We base that decision on the following findings and conclusions.

FINDINGS AND CONCLUSIONS

1. Greenville County Power, LLC is a limited liability company organized under the laws of the State of Delaware. Greenville County Power is authorized by the South Carolina Secretary of State to transact business in South Carolina.

2. The proposed Greenville County Power facility is a combined cycle electrical generating plant with a nominal net capacity of 810 megawatts (MW), with

natural gas as the primary fuel. The proposed site is located near Fork Shoals, in Greenville County, South Carolina.

3. The proposed plant would be constructed to deliver and sell electrical power as an exempt wholesale generator operator in the wholesale electric generating market. The Company alleges that there is a market to sell energy at wholesale to third parties, as stated in the project description.

4. S.C. Code Ann. Section 58-33-10, et seq. (1976 and Supp. 2001), the Utility Facility Siting and Environmental Protection Act, governs the siting of electric utility facilities in South Carolina. Section 58-33-160 requires this Commission to render a decision upon the record either granting or denying the application as filed, or granting it upon such terms, conditions or modifications of the construction, operation or maintenance of the major utility facility as the Commission may deem appropriate.

5. Section 58-33-160 also states that the Commission may not grant a certificate for the construction, operation and maintenance of a major utility facility, either as proposed or as modified by the Commission, unless it shall find and determine:

(a) The basis of the need for the facility.

(b) The nature of the probable environmental impact.

(c) That the impact of the facility upon the environment is justified, considering the state of available technology and the nature and economics of the various alternatives and other pertinent considerations.

d) That the facilities will serve the interests of system economy and reliability.

(e) That there is reasonable assurance that the proposed facility will conform to applicable State and local laws and regulations issued thereunder, including any allowable variance provisions therein, except that the Commission may refuse to apply any local law or local regulation if it finds that, as applied to the proposed facility, such law or regulation is unreasonably restrictive in view of the existing technology, or of factors of cost or economics or of the needs of consumers whether located inside or outside of the directly affected government subdivisions.

(f) That public convenience and necessity require the construction of the facility.

6. No certificate may be issued to the Applicant in this case because the Company has failed to show that the impact of the facility upon the environment is justified, considering the state of available technology and the nature and economics of the various alternatives and other pertinent considerations. Our concern is two-fold: the fact that the air quality studies are not complete, and the lack of any specific study gauging the effect and impact of removal of wastewater from the Reedy River by the proposed Greenville County Power plant. What follows is a discussion of the relevant environmental testimony by the various witnesses in the case.

SUMMARY OF TESTIMONY

The testimony concerning the environment in this case was voluminous. After some brief testimony on air and water quality by Company Vice President Chip Olsen, the Company presented the testimony of C. Richard Neff, P.E. Neff stated that the Greenville County Power project was to be located on an approximately 100-acre tract of

land located on Fork Shoals Road near the intersection of South Carolina Highway 418 in Greenville County. The corridors of the Colonial Pipeline, Transcontinental Pipeline, and Duke Transmission Line right-of-ways, along with sections of the Reedy River and Fork Shoals Road, generally outline the property boundary. Tr., Vol. II, Neff at 465.

Neff testified that Greenville County Power has proposed the use of natural gas as the primary fuel. Unlike coal-fired plants, natural gas-fired plants produce little sulfur dioxide and particulate emissions, according to Neff. The plant also proposes to employ state-of-the-art control technology for oxides of nitrogen. Id. at 465-466. Greenville County Power will use best available control technology (BACT) to control emissions. Neff opined that the combustion turbines planned for the plant are extremely efficient, i.e., they can generate large amounts of power with relatively low emissions to the air compared to coal or oil-based systems, also according to Neff. Fuel oil will be used as a backup fuel. Id. at 466.

The Greenville County Power facility is proposed for an area that is designated by the Environmental Protection Agency (EPA) as being in attainment with all ambient air quality standards, including ozone, Neff stated. In the event that Greenville County is declared to be an ozone non-attainment area, which is likely under an eight-hour standard, this declaration will occur even without the construction of the Greenville County Power facility, according to Neff. Id. at 467-468. Neff testified that Greenville County Power will represent only 4.68% of NO_x emissions from stationary sources, and only 1.5% of NO_x emissions from all sources in Greenville County, if the plant is constructed, and natural gas only is utilized. When natural gas is utilized, the plant would

represent only 0.2% of VOC emissions from stationary sources and 0.1% of VOC emissions from all sources in Greenville County. Id. at 468. Neff finally stated that if and when parts of the upstate are declared non-attainment for ozone, DHEC will likely be required to develop a control strategy designed to reduce ozone levels. However, this strategy will likely affect a number of counties. Neff stated that economic development should continue, with proper pollution controls. Id. at 469-470.

Neff further stated that the plant would require both potable and process water. Potable water would be obtained for drinking and sanitary facilities by the Greenville Water System distribution line on Fork Shoals Road. A maximum of eight million gallons per day (MGD) of process water when the plant is using natural gas would be required for boiler makeup, cooling tower makeup and plant services. During typical operations, Neff notes that the plant will use 60-70 % of the maximum, or 4.8-5.6 MGD. The water is principally used in the plant for two purposes: as a source to make steam for use in steam turbines for the production of electricity, and as a source of cool water to return the steam to water. Id. at 470. Most of the water needed by the project is associated with the cooling of the steam back to water. Id. at 471.

Water for Greenville County Power would be provided by a combination of treated effluent from the Western Carolina Regional Sewer Authority (WCRSA) and potable water from the Greenville Water System. Neff states that using WCRSA effluent makes productive use of water that would otherwise be wastewater. According to Neff, WCRSA has more than enough treated effluent from its Mauldin Road and Lower Reedy treatment facilities to meet the Company's needs. Id. Sanitary wastewater would be

disposed of in an on-site treatment system (septic tank). A daily maximum of 1.7 MGD of process wastewater, consisting primarily of cooling tower blowdown, is expected to be generated. The average annual wastewater discharge would be about 1.1 MGD. Greenville County Power has submitted a National Pollutant Discharge Elimination System (NPDES) permit application to the South Carolina Department of Health and Environmental Control (DHEC) to discharge process wastewater to the Reedy River. However, Greenville County Power was working with WCRSA to determine whether discharging process wastewater to a WCRSA facility would be a better alternative. Id. at 472. Neff testified that the facility's probable impact on the environment is justified. Id. at 475.

George W. Fletcher, an independent consultant, also testified for Greenville County Power. Fletcher first commented on the effect of the plant on air quality. Fletcher stated that the Greenville County Power facility would discharge about 400 tons of Nitrogen Oxides per year, or approximately one half of 1 % of the total NOx emissions for the region. The facility would use the low NOx burners, and particulate and carbon monoxide emissions are not significant. Tr., Vol. II, Fletcher at 544. Fletcher also testified concerning the impact of the project on water quality. Id. Fletcher testified that the facility is planning to use sewage treatment effluent, or a combination of city water and sewage treatment effluent, for plant cooling. The present plan is to pipe effluent from the Mauldin Road treatment plant to the Fork Shoals, 418 intersection. Fletcher noted that this would remove an average of 7 MGD of sewage treatment effluent from the Mauldin Road plant, which would otherwise be discharged to the Reedy River. Id. at 544-545.

Fletcher states that the Reedy River is currently on the impaired waters list for phosphorus and metals, and removing effluent should help this situation. Further, according to Fletcher, the reuse and subsequent treatment of the effluent will result in reduction of both phosphorus and metals into the river, as well as discharging the treated wastewater at a point further down the watershed. Fletcher states that the resulting flow will be closer to the natural flow that was historically in the Reedy River. Id. at 545.

Under cross-examination by intervenor Mary Campbell, Fletcher stated that no study had been done regarding the impacts of removing the wastewater from the Reedy River. Id. at 558.

Ray T. Orvin, Executive Director of the Western Carolina Regional Sewer Authority testified with regard to the reuse of sewer effluent as an alternative to discharges to rivers and streams. Orvin supported the Company's Application. Orvin stated that the reuse of sewer effluent has been a common practice for some time, particularly in coastal areas. Orvin noted that Western Carolina itself has an obligation under state and federal law to explore alternative means of the disposal of wastewater to rivers and streams. This is called the "Anti-Degradation Rule." The ideal is to eliminate all sewer effluent. This objective is balanced, according to Orvin, on the local level, with the interests of environmental groups in increasing the flow of streams and rivers. Orvin notes that the premise of the 1972 federal Clean Water Act is to return rivers to their natural states. DHEC has a statewide five year strategy to reduce sewer effluent discharge by twenty-five percent (25%). Tr., Vol. II, Orvin at 576-577.

Orvin states a belief that the Greenville County Power proposed project would greatly enhance the quality of the environment and enhance Western Carolina's ability to achieve the objective which DHEC is seeking, i.e., to reduce sewer effluent discharges by twenty-five percent (25%). Orvin opined that the effect of the reuse by the Company would be to improve water quality by reducing the discharge of effluents within permitted levels of pollutants into those segments of the Reedy River which would otherwise receive those effluents. Id. at 577.

Orvin testified that if water is not discharged into the Reedy River, but is subsequently discharged downstream, this would have an impact on the volume of water for that particular stretch of the Reedy River. Orvin believes that this would not have an adverse impact on the environment. Next, although the volume in the Reedy would be less, Orvin believes that this would assist in the objective of returning the Reedy to its natural state. Id. at 578. Orvin also states a belief that any adverse impact on habitat along the river brought about by a decrease in water flow would be greatly offset by an increase in water quality for the habitat. Id. at 578-579. Cross-examination by intervenor Lee Judd revealed, however, that Orvin was unable to address the effect of an interruption of a portion of the flow of the river on the biology of the Reedy River. Id. at 585-586. Apparently, some 60-70% of the river's flow is comprised of the discharge. Id. at 588. Orvin stated that WCRSA had the ability to divert the entire discharge of 20 million gallons. Id. at 586. Further, Orvin admitted that there have not been any independent studies performed to determine the effects of the change of the river flow patterns due to the Greenville County Power project on the Reedy River. Id. at 589. In addition, Orvin

had no knowledge of what impact the diversion of the river flow would have on the proposed Joe Adair Center in Laurens County, Lake Conestee, or Lake Greenwood. Id. at 590, 593-594. In fact, Orvin stated that, to his knowledge, there have been no studies done on the downstream effects on the river of the proposed diversion of flow from the Reedy River to be brought about by the proposed Greenville County Power facility. Id. at 594, 595-596.

Thomas W. Devine testified on certain air quality issues. Devine noted that Greenville County Power plans to use GE turbines which operate most of time on natural gas. The Company is allowed to burn fuel oil for no more than 30 days per year, and only from December 1 to February 15, which is not during the ozone season, according to Devine. Tr., Vol. II, Devine at 613. The combination of technologies used to run the turbines results in emissions, which are better than “Best Available Control Technology.” Devine notes that South Carolina is currently in attainment with all of the National Ambient Air Quality Standards (NAAQS). As such, according to Devine, South Carolina has a maintenance plan that dates back to the 1970’s. Under this plan, any new source must comply with “Prevention of Significant Deterioration” regulations for any NAAQS pollutants which it will emit above a certain threshold. Id. According to Devine, meeting best available control technology allows the Company to comply with current regulations. Devine noted that the modeling that was done in this instance included both this proposed plant and the proposed Entergy plant across the street from the proposed plant. Id. at 635.

Larry E. Turner, Manager of the Water Quality Modeling Section, Bureau of Water, DHEC testified regarding various models used to predict the impact of certain water quality pollutants on streams. Turner's group provides information, such as waste load allocations to permit writers. With regard to the Greenville County Power project, Turner, among other things, simulated the impact of the proposed discharge on dissolved oxygen levels in the Reedy River. Although Turner stated a belief that the project did not affect the base flow in the Reedy River at all, he also stated that he had not been asked to determine the effect of the proposed withdrawal of effluent from the river in the range of 5 to 7 MGD. Tr., Vol. III, Turner at 669.

Intervenor Lee Judd testified in this matter. Ms. Judd noted that, among other things, the Company had failed to file a Reedy River impact study. Tr., Vol. III, Judd at 700-701.

Intervenor Mary Campbell presented the testimony of David Hargett, PhD, of Pinnacle Consulting Group, Inc., located in Greenville. Hargett was a founding board member of Friends of the Reedy. Hargett testified that no studies have been done to determine the effects on Lake Conestee of changing the flow of the Reedy River. The proposal before the Commission would significantly reduce the flow and the continuity of flow of the Reedy River, according to Hargett. Tr., Vol. III, Hargett at 762. Hargett expressed questions about the effect of the project on water quality, aquatic life, and wetlands. Id. at 763. He also noted that the Reedy has no truly natural flow, but is dependent upon artificial discharges, such as that from WCRSA to supplement the small amount of natural flow that exists. Id. at 767. Finally, Hargett pointed out that Company

witness Orvin had acknowledged that there were no studies on the impacts of the divergence of wastewater from Lake Conestee, the Reedy River, to water quality, to aquatic life, to the wetlands, to Lake Greenwood, or to Boydville Pond. Id. at 779.

Marion F. Sadler, Jr. and Kevin J. Clark of DHEC also testified in the proceeding.

Kevin J. Clark, an environmental engineer, testified with regard to DHEC's air permitting processes. Clark noted that, due to the magnitude of proposed emissions to be emitted by the Greenville County Power proposed plant, this facility will be subject to state permitting requirements, New Source Review requirements, Prevention of Significant Deterioration (PSD) permitting requirements, and New Source Performance Standards located in 40 CFR 60. Tr., Vol. III, Clark at 809-810. Clark noted that, based on the current ambient air quality standards, the Greenville area is in attainment for all of the standards. There are, however, proposed ozone and particulate matter standards that are currently being challenged in Federal court, according to Clark. These proposed standards are stricter than the current standards. Based on ambient air monitoring data in the upstate, this area would be non-attainment if these standards are ultimately upheld. Id. at 811.

A Permit to Construct is also required for the proposed plant. Clark stated that applications for permits to construct go through several phases: preliminary review, draft preparation, public comment, and the permit decision. With regard to the preliminary review, first, the engineer assigned to the project verifies that the permit application is complete. The BACT analysis is reviewed to verify it has been done correctly. Any modeling analyses are reviewed by another section in the Bureau of Air Quality to verify

that they have been done correctly. If Clark's review leads him to conclude that the proposed activity can be conducted in accordance with applicable regulations, Clark then drafts a permit using state and Federal regulations as a basis, including information from the BACT analysis and the air modeling demonstration. Id. at 811-812. Greenville County Power must complete an air dispersion modeling analysis, where the Company shows that their emissions are not going to cause violations of National Air Ambient Standards. The Company is required to look at Class I areas, which are the Great Smoky Mountains National Park and the Joyce Kilmer Wilderness Area in North Carolina. In this case, DHEC has required the Company to include the emissions from the certificated Entergy plant, which is going to be located nearby this proposed facility. Id. at 806-807.

Clark further testified that data from DHEC's network of air monitors in the upstate indicate that the State will not be able to comply with federally proposed regulatory changes for Ozone and Particulate Matter. Clark stated that combustion turbines, such as proposed in the present case, emit significant levels of NO_x, which is one of two precursors in the formation of ground level ozone, and particulate matter, which is a known lung irritant. For a non-attainment area, emission budgets for contributing pollutants would have to be developed, and both current and new industry wanting to move into the area may be impacted. Requirements such as reducing emissions from existing sources, limiting new growth, or not allowing new growth at all could be potential consequences of a non-attainment designation. Id. at 812. Clark noted at the time of the hearing that the Bureau of Air Quality was in the midst of an ozone modeling project that would allow DHEC to measure what impact additional emissions

would have on an area's attainment status, including what impact facilities such as the Company's would have on the ambient air quality in the area. Id. at 813, 807. The DHEC modeling project is scheduled to be completed some time in March. Id. at 816.

At the time of the hearing, no public notice had been issued concerning Greenville County Power's proposed DHEC air quality permit. Id. at 826.

DISCUSSION AND DECISION

We have examined the environmental evidence in this case, and must conclude that we cannot make a finding that the impact of the facility upon the environment is justified, considering the state of available technology and the nature and economics of the various alternatives and other pertinent considerations.

First, despite the testimony of Company witnesses Olsen, Neff and Devine, we still have significant concerns about the effect of the proposed plant on the air quality in the upstate area. At the time of the hearing, Greenville County Power had not completed its air dispersion modeling analysis, which was to include the effect of the proposed Greenville Generating Plant, a facility which has already been granted a Certificate by this Commission. Tr., Vol. III, Clark at 806-807, 811-812. Further, DHEC has not completed its regional ozone modeling project based on more restrictive ozone standards, which would determine what impact facilities such as the Company's would have on the ambient air quality in the area. Id. at 813, 807. Accordingly, we do not have the full and complete information that we need to assess the effect of the proposed plant on air quality. Accordingly, we cannot determine whether the impact of the facility on this portion of the environment is justified.

Second, as several witnesses have pointed out, there have been no studies entered into the evidence in this case which assess the downstream effects of removal of effluent, and the associated flow, from the Reedy River for use in the processes of the proposed Greenville County Power plant. Potentially negative impacts to instream water quality, aquatic habitat and recreational navigation on the Reedy River, Lake Conestee and Lake Greenwood, especially during low flow periods, are important considerations as to whether or not the wastewater diversion can be justified as environmentally compatible. This consideration is exacerbated during low flow periods by the large evaporative loss of water associated with cooling at the plant. Without these studies outlined by the various witnesses, we simply cannot make the required finding with regard to whether or not the impact of the facility on the environment is justified. See particularly the testimony of witness Hargett, and portions of the testimony of witnesses Fletcher and Orvin as outlined above. Tr., Vol. III, Hargett at 779; Tr., Vol. II, Fletcher, at 558; Tr., Vol. II, Orvin at 594, 595-596. See also S.C. Code Ann. Section 58-33-160(1)(c) (1976).

Accordingly, we cannot make the required environmental finding with regard to either air or water. Since we cannot make one of the required statutory findings that we would need to make to grant the required Certificate, we need not address the remaining statutory requirements in S.C. Code Ann. Section 58-33-160 (1976), or the evidence related to those requirements. We would note that our denial of the requested Certificate is without prejudice. That is, the Company may file another Application at any time that it deems appropriate.

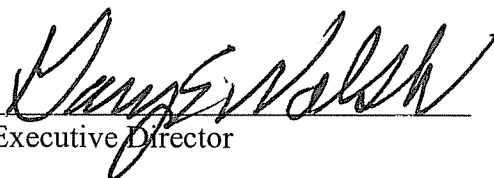
Thus, the Application of Greenville County Power for a Certificate of Environmental Compatibility and Public Convenience and Necessity is denied, without prejudice.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)

Concurring Opinion of Commissioner James Blake Atkins, Ph. D.

The environmental issues raised during this hearing and evident in the discussion of this Order are not new to the Commission. However, in this case, concerns over environmental compatibility were brought to the forefront via the protests of several intervenors, namely residents in this portion of southern Greenville County. The concerns raised by the intervenors were both important and thorough in their approach. At the same time, these arguments were too often emotional in nature and pushed the envelope

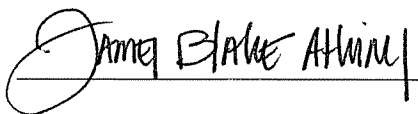
of sound environmental science and engineering. However, these intervenors should be credited with forcing this Commission to look more seriously at a broad range of cumulative environmental impacts associated with power plant siting both generally, and especially regarding this application.

The lack of sound scientific and engineering analysis by the applicant regarding the synoptic, cumulative air and water impacts could not be ignored by this Commission. Consideration must be given to the newer, more rigorous ozone standards proposed by the U.S. Environmental Protection Agency, and in particular, the impacts of these standards on the ability of all current and future generation facilities to meet and be compliant with air quality regulations. In particular, future air-related compliance costs for our incumbent utilities, both investor-owned and public, will be an important consideration in maintaining low-cost electricity in South Carolina and the southeast. In my opinion, such compliance costs are a critical component of "system economy" referenced in the Utility Facility Siting and Environmental Protection Act.

Serious potential negative impacts due to the diversion and evaporative loss of treated effluent from the Western Carolina Regional Sewer Authority for non-contact cooling were also considered by this Commission. Because the effluent is essentially treated to "background conditions" in the Reedy River, any diversion reduces the flow of water which is critical for maintenance of riparian aquatic habitat and protecting other instream uses including navigability. The diversion, and subsequent loss of water via evaporation from the Reedy River system, becomes critically important during low-flow periods. The effluent discharge comprises a significant portion of the streamflow of the

Reedy River during recurrence interval droughts greater than or equal to 10 years. What is critical in the Commission's finding in this matter, and which should be examined in other such cases, is the net return flow, instead of the gross water withdrawal. The physical location of the net return flow is also important, and should also be utilized to assess the full impact of the diversion.

Finally, the Commission's decision was narrowly constructed around environmental compatibility. However, numerous questions during the hearing by this Commissioner pointed to the potentially negative impacts on system reliability and economy, as well as the lack of need for the proposed facility. The issues set forth in my concurring opinion in Docket No. 2000-558-E -Order No. 2001-194, Application of Greenville Generating Company, LLC, remain relevant in this case, and reference is made to that opinion. While these power engineering issues are not discussed in this Order, it should not imply that the Commission will not consider, and give appropriate weight, to these critical factors in any future application regarding this facility.

A handwritten signature in black ink, reading "James Blake Atkins", written over a horizontal line.

James Blake Atkins, Ph. D.